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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LAURA LESKINEN,

11 Plaintiff,

No. 2:10-cv-03363 MCE KJN PS

12 v.

13 CAROLYN A. HALSEY, et al.,

14 Defendants.

ORDER

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16 Presently before the court is plaintiff's motion to continue the hearing on a motion
17 to dismiss filed by defendants Robert Kelly and Kelly & Hulme, P.C. ("Kelly Defendants"),
18 which the Kelly Defendants noticed for an October 6, 2011 hearing date (Dkt. No. 84).¹ On
19 September 12, 2011, the undersigned entered an Order and Findings and Recommendations,
20 which recommended the transfer of this entire action to the United States District Court for the
21 Eastern District of New York (Dkt. No. 97). The order portion of the Order and Findings and
22 Recommendations vacated several motions to dismiss set to be heard on October 6, 2011, subject
23 to re-setting after the district judge's resolution of the pending findings and recommendations.
24 (Order and Findings and Recommendations at 26-27 ("If the district judge assigned to this matter

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26 ¹ This action proceeds before the undersigned pursuant to Eastern District of California
Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

1 determines that this action should proceed in the Eastern District of California, the undersigned
2 will set a new hearing date and briefing schedule for the motions to dismiss.”.) Although the
3 undersigned intended that the October 6, 2011 hearing on the Kelly Defendants’ motion to
4 dismiss also be vacated, the order was arguably not clear in that regard. By this order, the
5 undersigned vacates the hearing on the Kelly Defendants’ motion to dismiss, and also vacates the
6 October 20, 2011 hearing on the motion to dismiss more recently filed by defendants Michael
7 Carroll and Marketplace Realty (Dkt. No. 102). As a result, the undersigned denies plaintiff’s
8 motion to continue as moot.

9 Accordingly, IT IS HEREBY ORDERED that:


10 1. The October 6, 2011 hearing on the motion to dismiss filed by defendants
11 Robert Kelly and Kelly & Hulme, P.C. (Dkt. No. 84) is vacated in light of the pending findings
12 and recommendations. Plaintiff need not file a written opposition to this motion unless the court
13 sets a briefing schedule in regards to this motion.

14 2. The October 20, 2011 hearing on the motion to dismiss filed by defendants
15 Michael Carroll and Marketplace Realty (Dkt. No. 102) is vacated in light of the pending
16 findings and recommendations. Plaintiff need not file a written opposition to this motion unless
17 the court sets a briefing schedule in regards to this motion.

18 3. Plaintiff’s motion to continue (Dkt. No. 105) is denied as moot.

19 IT IS SO ORDERED.

20 DATED: September 26, 2011

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23 KENDALL J. NEWMAN
24 UNITED STATES MAGISTRATE JUDGE
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